

## **REMARKS**

### **THE PENDING CLAIMS**

Claims 1-31 are pending in this application, and all claims have been subjected to restriction. The Applicant has elected claims 1-7, 13 and 15-20, and requests that claims 10-12 be added for examination in this application. Consideration and examination of the claims is requested.

### **THE RESTRICTION REQUIREMENT**

Claims 1-31 have been restricted under 35 USC 121 and 372, and 37 CFR 1.499, to one of the following groups of claims.

Group I, including claims 1-7, 13, 15-20, drawn to a polynucleotide, vector, host cell and method of producing a polypeptide.

Group II, including claims 10-12, drawn to a polypeptide.

Group III, encompassing claims 14, 22-25 and 31, drawn to an in vitro method of use for the polypeptide.

Group IV, including claims 8-9, drawn to the detection of sequence with the polynucleotide.

Group V, encompassing claims 21 and 26-30, drawn to an in vivo method of using the polypeptide.

The applicant has provided an election. However, the applicant is requesting that the claims of Groups I and II be examined together in this application because they relate to a protein and the nucleic acid encoding it, vectors, host cells and method of producing the protein employing the polypeptide.

### **THE ELECTION OF SPECIES REQUIREMENT**

The examiner has also required under 35 USC 121 and 372, the election of one species amongst the following species.

- A- Protein of SEQ ID NO:7 or nucleic acid encoding it.
- B- Protein of SEQ ID NO:8 or nucleic acid encoding it.
- C- Protein of SEQ ID NO:9 or nucleic acid encoding it.
- D- Protein of SEQ ID NO:10 or nucleic acid encoding it.

The applicant has elected, for searching purposes only, the species designated by the examiner as "C". Upon a finding of allowable subject matter, the examiner is invited to rejoin the remaining species in the claims.

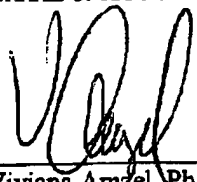
#### **THE APPLICANT'S REQUEST**

The applicant is requesting that claims 10-12 (Group II) be included in this application along with the claims of Group I. Claims 10-12 are directed to the polypeptide of the elected species. This polypeptide is produced by the elected method employing the elected polynucleotide. The examiner's searching burden will not be inordinately increased, in fact not increased at all, by including claims 10-12, since the elected nucleic acid species will have to be searched no matter what.

In view of the above election and request, the applicant believes that this application is in condition for examination on the merits, and for allowance. Early notice to that effect is hereby requested.

January 26, 2006  
Date  
**NATH & ASSOCIATES PLLC**  
112 S. West St  
Alexandria VA 22313-1450  
703-548-6284 tel

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

  
\_\_\_\_\_  
Viviana Amzel, Ph.D.  
Reg. No. 30930  
Customer No. 20529